

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A
JUDGE, No. 03-47; 03-57 & 03-215

NOTICE OF FORMAL CHARGES

TO: The Honorable Meryl L. Allawas
Circuit Judge
Eighteenth Judicial Circuit
Brevard County Justice Center
2825 Judge Fran Jamieson Way
Viera, FL 32940

YOU ARE HEREBY NOTIFIED THAT the Investigative Panel of The Florida Judicial Qualifications Commission, by a vote of not less than two-thirds of those members present at its meeting held in Tampa, Florida on November 14, 2003, has determined, pursuant to Rule 6(f) of the Rules of the Florida Judicial Qualifications Commission, as revised, and Article V, Section 12(b) of the Constitution of Florida, that probable cause exists for formal proceedings to be instituted against you to inquire into the following charges of violations of Canons 1, 2, and 3 of the Code of Judicial Conduct:

1. In the case of In re Marriage of Hansen, Case No. 05-2001-DR-15278, an unreasonable period of over a year and a half transpired between the final hearing

and the rendition of a ruling, which followed the filing of a complaint with this Commission.

2. In the case of In re Marriage of Figueroa, Case No. 05-2000-DR-1902, a similar unreasonable period transpired without a ruling, and in response to a motion for new trial you directed your judicial assistant to advise counsel that you would grant the motion or, alternatively, you would render a decision in the case if the parties would waive the lapse of time as a ground of appeal. Eventually a ruling was made.
3. In the case of Goff v. Worley, Case No. 05-1992-00429, an unreasonable time, in excess of one (1) year, transpired between the final hearing and the rendition of a ruling.
4. In a jury trial in a personal injury case, you waited approximately one year before denying the defendant's motion for directed verdict.
5. In the case of Hawkins v. JEM Broadcasting, Inc., an unreasonable period of approximately nine (9) months ensued between the hearing on a motion for

attorney's fees and your ruling.

6. In the case of Bayless v. Santa Cruz Construction, Inc., an unreasonable period of approximately nine(9) months transpired between a hearing on a motion to dismiss and your ruling.
7. In the case of Edel v. Walker, Case No. 05-1995-DR-14705, an unreasonable period in excess of a year and five months has transpired between the trial without a ruling by you.
8. In the case of In re Marriage of Messner, Case No. 05-2000-DR-017644, an unreasonable period in excess of six months transpired after the ruling without a ruling by you.
9. In the case of Allen v. Doughlin Management Corp., an unreasonable period of nearly ten (10) months before your ruling after a hearing on a motion to amend.
10. In the case of Weiss v. Mongiello, Case No. 05-2001-DR-024988, approximately sixteen (16) months passed before your ruling following a trial.
11. In the case of In re Marriage of Chambers, Case No. 05-1999-DR-46291, after a

period of over nine (9) months after trial, you directed your judicial assistant to advise counsel that you would rule within ten (10) days if the parties would waive your delay in any appeal or motion for rehearing or you would order a mistrial, or the court would grant an additional evidentiary hearing and render a decision within ten (10) days of that hearing if the parties would waive your delay as an issue on appeal or a motion for rehearing. This offer was declined.

12. In the case of In re Marriage of Boudot, Case No. 04-2002-DR-017477, after you delayed ruling for nine(9) months the parties stipulated to dismiss the case and refile to obtain assignment to another judge.

PLEASE TAKE NOTICE in accordance with the provisions of the Rules of the Florida Judicial Qualifications Commission, as revised, that you have twenty (20) days following service of this notice to file a written answer to these charges. The original of your response and all subsequent pleadings must be filed with Clerk of the Supreme Court of Florida, and you must also comply with the requirements of the Supreme Court

requiring simultaneous filing of a DOS formatted three and one-half diskette in Word

Perfect 5.1 (or higher) format. Copies of your response should similarly be served on the

undersigned General Counsel and all persons (other than your counsel) listed in the

certificate of service below.

Dated this ____ day of _____, 2004.

INVESTIGATIVE PANEL OF THE FLORIDA
JUDICIAL QUALIFICATIONS COMMISSION

By: _____
Thomas C. MacDonald, Jr., Esq.

General Counsel

Florida Bar No. 049318

1904 Holly Lane

Tampa, FL 33629

(813) 254-9871

Florida Judicial Qualifications Commission

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Investigation has been furnished by certified mail, #_____, return receipt requested, to the Honorable Meryl L. Allawas, Circuit Court Judge, Eighteenth Judicial Circuit, 2825 Judge Fran Jamieson Way, Viera, FL 32940 and Kirk N. Kirkconnell, Esq. Post Office Box 2728, Winter Park, Florida 32790-2728 on this ____ day of _____, 2004.

Brooke S. Kennerly
Executive Director
Florida Judicial Qualifications Commission

